

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DYLAN JAMES DOWNEY,

Plaintiff,

V.

STUART ANDREWS M.D., et al.,

## Defendants.

Case No. C17-968-JCC-JPD

**ORDER DIRECTING RESPONSE TO  
MOTION FOR RECONSIDERATION**

This 42 U.S.C. § 1983 prisoner civil rights action primarily involves medical care claims related to plaintiff's prosthetic leg. Plaintiff moved for appointment of counsel at the same time he filed his original complaint. Dkt. 1-5. The Court served the complaint and denied the motion for joint counsel without prejudice to renewing it after the case had developed further. Dkt. 7. Plaintiff then filed an amended complaint, which added additional factual allegations, Dkt. 17, and moved for reconsideration of the order denying appointment of counsel, Dkt. 20. Counsel for defendants has appeared but has not yet filed a responsive pleading under Federal Rule of Procedure 12.

Given the serious nature of plaintiff's allegations, *see, e.g., Taylor v. Plousis*, 101 F. Supp. 2d 255, 262-63, 266, 268-69 (D.N.J. 2000) (denying defendants' summary judgment

1 motion on medical care claim related to ill-fitting and deteriorating prosthesis that caused  
2 plaintiff pain); *Berthelot v. Stadler*, No. 99-2009, 2001 WL 69410, at \*3 (E.D. La. Mar. 31.  
3 2016) (denying defendants' summary judgment motion based on qualified immunity for medical  
4 indifference claim related to prosthesis), the Court ORDERS defendants to file a response to  
5 plaintiff's motion for reconsideration and request for appointment of counsel, Dkt. 20, by  
6 **September 27, 2017**. Plaintiff may file an optional reply by **October 6, 2017**.

7 The Clerk is directed to RE-NOTE plaintiff's motion for reconsideration, Dkt. 20, for  
8 October 6, 2017, and to send copies of this order to the parties and to the Honorable John C.  
9 Coughenour.

10 Dated this 14th day of September, 2017.

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13 JAMES P. DONOHUE  
14 Chief United States Magistrate Judge